## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,	) ) )
Plaintiff,	)
v.	) Civil No. 1:16-cv-10670-LTS
DAVID AUBEL,	)
Defendant.	) ) )

## JUDGMENT AS TO DEFENDANT DAVID AUBEL

The Securities and Exchange Commission ("Commission") having filed a Complaint and Defendant David Aubel ("Defendant") having entered a general appearance; and, the Court having ALLOWED the Commission's motion for summary judgment (Dkt. No. 49), the Court enters a final Judgment as follows:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, the following provisions of the federal securities laws:

- a. Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)];
- b. Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];
  - c. Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. § 77e(a) and (c)];

- d. Section 13(d) of the Exchange Act [15 U.S.C. § 78m(d)] and Rules 13d-1 and 13d-2 thereunder (17 C.F.R. § 240.13d-1, 13d-2); and,
- e. Section 16(a) of the Exchange Act [15 U.S.C. § 78p(a)] and Rule 16a-3 thereunder [17 C.F.R. § 240.16a-3].

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement in an amount determined as restitution in a related criminal case, *United States v. David Aubel*, Crim. No. 16-cr-10125-PBS (D. Mass.), representing profits gained as a result of the conduct alleged in the Complaint. Disgorgement is deemed satisfied by the Court's order in the criminal case imposing restitution of \$242,552.72, entered on February 5, 2019 (amended May 6, 2019).

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00) to the Securities and Exchange Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 77u(d)].

Defendant may transmit payment electronically to the Commission, which will provide

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detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly

from a bank account via Pay.gov through the SEC website at

http://www.sec.gov/about/offices/ofm.htm. Defendant may also pay by certified check, bank

cashier's check, or United States postal money order payable to the Securities and Exchange

Commission, which shall be delivered or mailed to

Enterprise Services Center

Accounts Receivable Branch

6500 South MacArthur Boulevard

Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of

this Court; David Aubel as a defendant in this action, and specifying that payment is made

pursuant to this final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case

identifying information to the Commission's counsel in this action. By making this payment,

Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part

of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant

to this Final Judgment to the United States Treasury. Defendant shall pay post-judgment interest

on any delinquent amounts pursuant to 28 U.S.C. §1961.

SO ORDERED.

/s/ Leo T. Sorokin

Leo T. Sorokin

United States District Judge

Dated: January 162020

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